

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

1. KANDI THORNBURG, Individually	)	
and as the natural guardian and parent of	)	
A.P., a minor,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 16-CV-310-D
	)	
2. STATE FARM FIRE & CASUALTY	)	
COMPANY,	)	
	)	
Defendant.	)	

**AMENDED COMPLAINT**

Having obtained written permission from opposing Counsel, Plaintiff files this Amended Complaint to correctly name State Farm Fire & Casualty Company as the defendant and states as follows:

**COUNT I**

1. Plaintiff, Kandi Thornburg, ("Plaintiff") is a resident and citizen of the state of Oklahoma.
2. Plaintiff is the parent and natural guardian of A.P., a minor.
3. Defendant, State Farm Fire & Casualty Company, is incorporated and maintains its principal place of business in the state of Illinois.
4. This Court has original jurisdiction based on the following: (1) Plaintiff is a citizen of the State of Oklahoma; (2) Defendant, State Farm Fire & Casualty Company, is incorporated and maintains its principal place of business in the state of

Illinois; and (3) the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

5. Venue is proper pursuant to 28 U.S.C. § 1391.

6. On July 6, 2015, at about 3:59 p.m., Plaintiff was driving her vehicle east on U.S. Highway 271, approximately 16 feet west of Cooper Road in Poteau, Oklahoma, when it was rear-ended by another vehicle being driven by J.L., a minor.

7. A.P., a minor, was a passenger in the vehicle driven by Plaintiff.

8. The collision resulted from the negligence of J.L.

9. As a result of the collision, Plaintiff and A.P., a minor, were physically injured and a family member was killed.

10. At the time of the collision set forth above, Defendant, State Farm Fire & Casualty Company, had policies of uninsured/underinsured motorist insurance coverage in force and effect in favor of Plaintiff and A.P., a minor, for injuries received and caused by the negligence of an uninsured or underinsured motorist.

11. At the time of the collision complained of, J.L., a minor, was an underinsured motorist.

12. As a result of the collision, Plaintiff suffered personal injuries and emotional distress. When injured, Plaintiff was 37 years of age with a life expectancy of 45.4 years. As a further result of the collision, Plaintiff has and will incur medical expense, has and will suffer pain of mind and has been damaged in an amount in excess of \$75,000.00.

13. As a result of the collision, A.P., a minor, suffered personal injuries and emotional distress. When injured, A.P. was 13 years of age with a life expectancy of 68.8 years. As a further result of the collision, A.P. will incur medical expense after the age of majority, has and will suffer pain of mind and has been damaged in an amount in excess of \$75,000.00.

### **COUNT II**

14. Plaintiff repleads and realleges the allegations of Count I stated herein and further states she is the parent and natural guardian of A.P., a minor, and that as a further result of the collision, she has incurred medical expenses for the care and treatment of her daughter, A.P., during minority and has been damaged in an amount in excess of \$75,000.00.

WHEREFORE, Plaintiff prays for judgment against Defendant in an amount in excess of \$75,000.00, together with attorney fees, interest and costs of this action.

Respectfully submitted,

/s/ T. Luke Abel

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**Attorney for Plaintiff**

ATTORNEYS' LIEN CLAIMED  
JURY TRIAL DEMANDED

**CERTIFICATE OF SERVICE**

I hereby certify that on this 12<sup>th</sup> day of April, 2016, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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/s/ T. Luke Abel \_\_\_\_\_